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Reporting Category

Category	Subcategory	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
05A EXCESSIVE FORCE / ON DUTY - INJURY -	-	-	-	-	-	-	-
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Log No: 1077599 Type:CR

Accused Members

Review Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
View LOTT, KEVYN	PENDING COMMAND CHANNEL REVIEW COMPLETE (C.O.P.A.)	SUSTAINED	SEPARATION	-	-	15-OCT-2015	View
View NEWTON, MICHAEL	PENDING COMMAND CHANNEL REVIEW COMPLETE (C.O.P.A.)	SUSTAINED	SUSPENSION	15	-	15-OCT-2015	View
- DURRETT, TASANEE	PENDING COMMAND CHANNEL REVIEW COMPLETE (C.O.P.A.)	EXONERATED	-	-	-	25-JAN-2016	N/A
row(s) 1 - 3 of 3							

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?
View 1	FACE SHEET	N/A	-	-	-	GONZALEZ, JORGE	OCT-15-2015 02:54	-	-	-
View 2	CONFLICT CERTIFICATION	N/A	-	-	-	DEAN, BRUCE	NOV-05-2015 16:33	-	-	-
View 3	CONFLICT CERTIFICATION	N/A	-	-	-	LUKAS, JAMES	NOV-09-2015 15:38	-	-	-
View 4	CONFLICT CERTIFICATION	N/A	-	-	-	HUNT, JOSHUA	JAN-04-2016 20:41	-	-	-
View 5	CONFLICT CERTIFICATION	N/A	-	-	-	HENDRICKS, RAMONA	JAN-06-2016 08:17	-	-	-
View 6	LETTER TO COMPLAINANT	N/A	1	[REDACTED]	-	BRUMFIELD, LUCILLE	JAN-13-2016 09:54	APPROVED	-	YES
View 7	REPORT (OTHER)	N/A	1	Returned letter by USPS addressed to victim, [REDACTED]	-	BRUMFIELD, LUCILLE	JAN-13-2016 09:55	APPROVED	-	YES
View 8	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED]	-	BRUMFIELD, LUCILLE	JAN-13-2016 09:55	APPROVED	-	YES
View 9	REPORT (OTHER)	N/A	1	Notice by IPRA Investigator to [REDACTED]	-	BRUMFIELD, LUCILLE	JAN-13-2016 09:56	APPROVED	-	YES
View 10	SWORN AFFIDAVIT - NO COOPERATION	N/A	1	[REDACTED]	-	BRUMFIELD, LUCILLE	JAN-13-2016 09:56	APPROVED	-	YES
View 11	CONSENT BY PATIENT TO DISCLOSURE OF INFORMATION	N/A	1	[REDACTED] to Jackson Park Hospital	-	BRUMFIELD, LUCILLE	JAN-13-2016 09:57	APPROVED	-	YES
View 12	AUDIO INTERVIEW	N/A	1	[REDACTED]	YES	HENDRICKS, RAMONA	JAN-13-2016 08:09	APPROVED	-	YES
View 13	PHOTO IDENTIFICATION	N/A	1	Copy of Illinois CDL License for [REDACTED]	-	BRUMFIELD, LUCILLE	JAN-13-2016 09:57	APPROVED	-	YES
View 14	TO/FROM REPORT	N/A	3		-	BRUMFIELD, LUCILLE		APPROVED	-	YES

				Outline of digital recording of victim, [REDACTED]			JAN-13-2016 09:58		
View	15	INTERVIEW - VICTIM	N/A	80	Transcribed recorded statement of [REDACTED]	-	BRUMFIELD, LUCILLE	JAN-13-2016 09:59	APPROVED - YES
View	16	CRIME SCENE PROCESSING REPORT	N/A	1	Photo request	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:13	APPROVED - YES
View	17	TO/FROM REPORT	N/A	1	Additional information from victim, [REDACTED]	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:14	APPROVED - YES
View	18	TO/FROM REPORT	N/A	1	Phone contact, Mr. [REDACTED], [REDACTED] S. South Shore Dr.	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:15	APPROVED - YES
View	19	VIDEO RECORDING	N/A	1	IN-CAR CAMERA VIDEO	YES	HENDRICKS, RAMONA	JAN-13-2016 08:41	APPROVED - YES
View	20	TO/FROM REPORT	N/A	2	In-car video summary, Beat #379	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:15	APPROVED - YES
View	21	OEMC EVENT QUERY	N/A	5	-	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:16	APPROVED - YES
View	22	CHICAGO POLICE DEPARTMENT EVENT QUERY	N/A	18	-	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:17	APPROVED - YES
View	23	REPORT (OTHER)	N/A	11	Unit Inventory Full Listing	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:18	APPROVED - YES
View	24	INITIATION REPORT	N/A	2	-	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:18	APPROVED - YES
View	25	ATTENDANCE AND ASSIGNMENT RECORD	N/A	7	3rd Watch, 003rd District, 14 Oct 2015	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:19	APPROVED - YES
View	26	O.E.M.C. (OEMC) TRANSMISSIONS	N/A	1	OEMC CD	YES	HENDRICKS, RAMONA	JAN-27-2016 12:36	APPROVED - YES
View	27	REPORT (OTHER)	N/A	1	CLEAR Data Warehouse Traffic Crash Search for 14 - 15 Oct 2015	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:20	APPROVED - YES
View	28	TO/FROM REPORT	N/A	1	Evidence received from IRA - Info	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:20	APPROVED - YES
View	29	REPORT (OTHER)	N/A	1	MISCELLANEOUS INFO ON CD	YES	HENDRICKS, RAMONA	JAN-27-2016 12:40	APPROVED - YES
View	30	TACTICAL RESPONSE REPORT (TRR)	N/A	8	Search/Edit Tactical Response Report	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:22	APPROVED - YES
View	31	MEDICAL RECORDS	N/A	16	Jackson Park Hospital; Patient name: [REDACTED]	-	BRUMFIELD, LUCILLE	JAN-13-2016 10:23	APPROVED - YES
View	32	MEDICAL RECORDS	N/A	5	STROGER HOSPITAL MEDICAL RECORDS	YES	HENDRICKS, RAMONA	JAN-22-2016 10:28	APPROVED - YES
View	33	AUDIO INTERVIEW	N/A	1	[REDACTED]	YES	HENDRICKS, RAMONA	MAR-14-2016 16:01	APPROVED - YES
View	34	REPORT (OTHER)	N/A	23	STATEMENT OF WITNESS [REDACTED]	YES	HENDRICKS, RAMONA	MAR-14-2016 16:05	APPROVED - YES
View	36	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	[REDACTED]	YES	HENDRICKS, RAMONA	JUL-14-2017 12:44	APPROVED - YES
View	37	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED]	YES	HENDRICKS, RAMONA	JUL-14-2017 12:44	APPROVED - YES
View	38	CONFLICT CERTIFICATION	N/A	-	-	-	FITZPATRICK, KELSEY	AUG-18-2017 15:57	- - -
View	39	AUDIO INTERVIEW	N/A	1	PO Greenwald witness statement	YES	FITZPATRICK, KELSEY	AUG-18-2017 15:58	APPROVED - YES
View	40	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Greenwald	YES	FITZPATRICK, KELSEY		APPROVED - YES

View	41	AUDIO INTERVIEW	N/A	1	PO Lott part 1	YES	FITZPATRICK, KELSEY	AUG-18-2017 15:59	APPROVED -	YES
View	42	AUDIO INTERVIEW	N/A	1	PO Lott part 2	YES	FITZPATRICK, KELSEY	AUG-22-2017 16:41	APPROVED -	YES
View	43	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	PO Lott	YES	FITZPATRICK, KELSEY	AUG-22-2017 16:42	APPROVED -	YES
View	44	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	PO Lott	YES	FITZPATRICK, KELSEY	AUG-22-2017 16:44	APPROVED -	YES
View	45	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	PO Lott	YES	FITZPATRICK, KELSEY	AUG-22-2017 16:45	APPROVED -	YES
View	46	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Lott	YES	FITZPATRICK, KELSEY	AUG-22-2017 16:46	APPROVED -	YES
View	47	AUDIO INTERVIEW	N/A	1	PO Durrett part 1	YES	FITZPATRICK, KELSEY	AUG-22-2017 16:47	APPROVED -	YES
View	48	AUDIO INTERVIEW	N/A	1	PO Durrett part 2	YES	FITZPATRICK, KELSEY	AUG-31-2017 08:59	APPROVED -	YES
View	49	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Durrett	YES	FITZPATRICK, KELSEY	AUG-31-2017 09:01	APPROVED -	YES
View	50	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	PO Durrett	YES	FITZPATRICK, KELSEY	AUG-31-2017 09:04	APPROVED -	YES
View	51	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	PO Durrett	YES	FITZPATRICK, KELSEY	AUG-31-2017 09:04	APPROVED -	YES
View	52	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	PO Durrett	YES	FITZPATRICK, KELSEY	AUG-31-2017 09:05	APPROVED -	YES
View	53	AUDIO INTERVIEW	N/A	31	Accused PO Lott Transcribed Statement	YES	FITZPATRICK, KELSEY	SEP-07-2017 09:14	APPROVED -	YES
View	54	O.E.M.C. (OEMC) TAPE TRANSMISSIONS TRANSCRIPTION	N/A	11	911 Calls	YES	FITZPATRICK, KELSEY	SEP-07-2017 09:35	APPROVED -	YES
View	55	ICLEAR REPORT	N/A	1	██████ traffic accident report	YES	FITZPATRICK, KELSEY	SEP-07-2017 09:51	APPROVED -	YES
View	56	AUDIO INTERVIEW	N/A	1	PO Newton part 1	YES	FITZPATRICK, KELSEY	SEP-12-2017 12:14	APPROVED -	YES
View	57	AUDIO INTERVIEW	N/A	1	PO Newton part 2	YES	FITZPATRICK, KELSEY	SEP-12-2017 12:14	APPROVED -	YES
View	58	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	PO Newton	YES	FITZPATRICK, KELSEY	SEP-12-2017 15:32	APPROVED -	YES
View	59	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	PO Newton	YES	FITZPATRICK, KELSEY	SEP-12-2017 15:33	APPROVED -	YES
View	60	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	PO Newton	YES	FITZPATRICK, KELSEY	SEP-12-2017 15:33	APPROVED -	YES
View	61	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Newton	YES	FITZPATRICK, KELSEY	SEP-12-2017 15:33	APPROVED -	YES
View	62	AUDIO INTERVIEW	N/A	1	PO Rojas	YES	FITZPATRICK, KELSEY	SEP-13-2017 16:21	APPROVED -	YES
View	63	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Rojas	YES	FITZPATRICK, KELSEY	SEP-13-2017 16:28	APPROVED -	YES
View	64	AUDIO INTERVIEW	N/A	1	PO Lott 2nd statement	YES	FITZPATRICK, KELSEY	NOV-27-2017 15:26	APPROVED -	YES
View	65	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	PO Lott 2nd statement	YES	FITZPATRICK, KELSEY	NOV-27-2017 15:30	APPROVED -	YES
View	66		N/A	1		YES			APPROVED -	YES

		WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL			PO Lott 2nd statement		FITZPATRICK, KELSEY	NOV-27-2017 15:30		
View	67	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	PO Lott 2nd statement	YES	FITZPATRICK, KELSEY	NOV-27-2017 15:31	APPROVED -	YES
View	68	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Lott 2nd statement	YES	FITZPATRICK, KELSEY	NOV-27-2017 15:31	APPROVED -	YES
View	69	INVESTIGATOR CASE LOG	N/A	4	-	YES	FITZPATRICK, KELSEY	NOV-27-2017 15:50	APPROVED -	YES
View	70	AUDIO INTERVIEW	N/A	1	PO Kevyn Lott Rule 14 Statement 12-27-2017	YES	FITZPATRICK, KELSEY	DEC-27-2017 15:37	APPROVED -	YES
View	71	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	PO Kevyn Lott	YES	FITZPATRICK, KELSEY	DEC-27-2017 16:05	APPROVED -	YES
View	72	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	PO Kevyn Lott	YES	FITZPATRICK, KELSEY	DEC-27-2017 16:05	APPROVED -	YES
View	73	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	PO Kevyn Lott	YES	FITZPATRICK, KELSEY	DEC-27-2017 16:06	APPROVED -	YES
View	74	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Kevyn Lott	YES	FITZPATRICK, KELSEY	DEC-27-2017 16:06	APPROVED -	YES
View	75	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	6	Use of Force GO-03-02 issued may 2012	NO	MURPHY-AGUILU, JAMES	JAN-12-2018 14:39	APPROVED -	YES
View	-	REPORT (OTHER)	N/A	1	Request for 30 Day Extension	-	DOMAIN, ALEXANDRA	JUN-19-2018 10:56	APPROVED -	YES
View	-	LETTER TO/FROM OFFICE OF LEGAL AFFAIRS	N/A	1	Letter seeking 30 day extension for review	NO	CONNOLLY, LUKE	JUN-25-2018 14:46	APPROVED -	YES
View	-	REPORT (OTHER)	N/A	11	disciplinary recommendation memo for Lott and Newton	NO	MURPHY-AGUILU, JAMES	APR-23-2018 16:00	APPROVED -	YES
View	-	SUMMARY REPORT	N/A	31	-	NO	MURPHY-AGUILU, JAMES	APR-23-2018 15:56	APPROVED -	YES
View	-	REPORT (OTHER)	N/A	7	DNC Letter	NO	CONNOLLY, LUKE	JUL-23-2018 14:20	APPROVED -	YES
View	-	DISCIPLINARY HISTORY	N/A	2	Newton History	NO	MURPHY-AGUILU, JAMES	JAN-12-2018 14:41	APPROVED -	YES
View	-	DISCIPLINARY HISTORY	N/A	2	Officer Lott	NO	MURPHY-AGUILU, JAMES	NOV-28-2017 14:49	APPROVED -	YES

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Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents[TIP](#) Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History[TIP](#) Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
PENDING COMMAND CHANNEL REVIEW COMPLETE (C.O.P.A.)	23-JUL-2018 14:21	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	23-JUL-2018 14:19	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	Upload DNC letter
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	25-JUN-2018 14:47	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	25-JUN-2018 14:45	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	Upload extension

PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	27-APR-2018 10:22	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	27-APR-2018 10:03	KERSTEN, ANDREA	DEPUTY CHIEF ADMINISTRATOR	113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	27-APR-2018 09:45	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	113 / -	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	26-APR-2018 15:19	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	113 / -	-
CLOSED AT C.O.P.A.	26-APR-2018 15:03	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	113 / -	-
CLOSED AT C.O.P.A.	26-APR-2018 15:03	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	25-APR-2018 14:52	KERSTEN, ANDREA	DEPUTY CHIEF ADMINISTRATOR	113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	23-APR-2018 16:00	MURPHY-AGUILU, JAMES	SUPERVISING INV COPA	113 / -	-
PENDING INVESTIGATIVE REVIEW	28-DEC-2017 10:14	FITZPATRICK, KELSEY	INVESTIGATOR 3 COPA	113 / -	-
PENDING INVESTIGATION	19-DEC-2017 16:10	MURPHY-AGUILU, JAMES	SUPERVISING INV COPA	113 / -	-
PENDING INVESTIGATIVE REVIEW	28-NOV-2017 10:02	FITZPATRICK, KELSEY	INVESTIGATOR 3 COPA	113 / -	-
PENDING INVESTIGATION	16-AUG-2017 16:11	HUNT, JOSHUA	DEPUTY CHIEF ADMINISTRATOR	113 / -	jh
PENDING INVESTIGATION	04-JAN-2016 20:41	HUNT, JOSHUA	SUPERVISING INV COPA	113 / -	-
PENDING ASSIGN INVESTIGATOR	04-JAN-2016 15:36	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	113 / -	Type Changed from INFO to CR on 04-JAN-2016 15:36 by STOUTENBOROUGH, ANDREA Affidavit information for this Log Number has changed on 04-JAN-2016 15:36 by STOUTENBOROUGH, ANDREA
PENDING ASSIGN TEAM	04-JAN-2016 15:36	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	113 / -	-
PENDING SUPERVISOR REVIEW	04-JAN-2016 15:29	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	113 / -	-
PRELIMINARY	04-JAN-2016 15:02	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	113 / -	correct comp's address
PENDING INVESTIGATION	05-NOV-2015 16:33	DEAN, BRUCE	SUPERVISING INV COPA	113 / -	-
PENDING ASSIGN INVESTIGATOR	19-OCT-2015 17:04	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	113 / -	-
PENDING ASSIGN TEAM	15-OCT-2015 11:58	QUERFURTH, PATRICK	SUPERVISING INV COPA	113 / -	-
PENDING SUPERVISOR REVIEW	15-OCT-2015 11:57	PFEIFER, ADAM	INVESTIGATOR I COPA	113 / -	-
PRELIMINARY	15-OCT-2015 11:57	PFEIFER, ADAM	INVESTIGATOR I COPA	113 / -	-
PRELIMINARY	15-OCT-2015 11:55	PFEIFER, ADAM	INVESTIGATOR I COPA	113 / -	-
PRELIMINARY	15-OCT-2015 11:52	QUERFURTH, PATRICK	SUPERVISING INV COPA	113 / -	check
PENDING SUPERVISOR REVIEW	15-OCT-2015 11:43	PFEIFER, ADAM	INVESTIGATOR I COPA	113 / -	-
PRELIMINARY	15-OCT-2015 11:43	PFEIFER, ADAM	INVESTIGATOR I COPA	113 / -	-
PRELIMINARY	15-OCT-2015 11:42	PFEIFER, ADAM	INVESTIGATOR I COPA	113 / -	-
PRELIMINARY	15-OCT-2015 10:58	GOLDSTON, MICHAEL	INVESTIGATOR 3 COPA	113 / -	-
PRELIMINARY	15-OCT-2015 10:57	GOLDSTON, MICHAEL	INVESTIGATOR 3 COPA	113 / -	-
PRELIMINARY	15-OCT-2015 10:56	GOLDSTON, MICHAEL	INVESTIGATOR 3 COPA	113 / -	-
PRELIMINARY	15-OCT-2015 02:54	GONZALEZ, JORGE	POLICE OFFICER	116 / -	INITIATED BY SGT PEREZ EMP.1503

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Command Channel Reviewers

No Command Channel Reviewers have been assigned.

User: [REDACTED]
Module: 15280 \$Revision: 1.252 \$

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SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date of Incident:	October 14, 2015
Time of Incident:	8:40 PM
Location of Incident:	██████ S. Stony Island Ave,
Date of COPA Notification:	October 15, 2015
Time of COPA Notification:	10:56 AM

On October 14, 2015 at approximately 8:40 PM, the complainant, ██████, was in the parking lot of his apartment complex, located at ██████ S. South Shore Drive. ██████ alleged that when he was attempting to assist his neighbor regarding a traffic accident, police officers responding to the accident: used excessive force against ██████ engaged in an unjustified verbal altercation with ██████, took property from ██████ that was not inventoried or returned, and detained ██████ on an involuntary psychiatric hold without justification. ██████ was taken to Jackson Park Hospital, located at ██████ S. Stony Island Ave., at approximately 9:45 PM for a psychological evaluation.

II. INVOLVED PARTIES

Involved Officer #1:	Kevyn Lott, Star #11296, Employee ID ██████, Date of Appointment: August 25, 2003, Police Officer, Unit 001, Date of Birth: ██████ Male, Black
Involved Officer #2:	Michael Newton, Star # 8581, Employee ID # ██████ Date of Appointment: May 31, 2002, Police Officer, Unit 003, Date of Birth: ██████ Male, Black
Involved Officer #3:	Tasanee Durett, Star #6154, Employee ID # ██████ Date of Appointment: March 26, 2001, Police Officer, Unit 123, Date of Birth: ██████, Female, Black
Subject #1:	██████████, Date of Birth: ██████ Male, Black

III. ALLEGATIONS

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG#1077599

Officer	Allegation	Finding
Officer Kevyn Lott	1. Used excessive force against [REDACTED] by striking him, in violation of Rule 2, Rule 6, Rule 8, and Rule 9.	Sustained
	2. Used excessive force against [REDACTED] by dragging him, in violation of Rule 2, Rule 6, Rule 8, and Rule 9.	Sustained
	3. Used excessive force while detaining [REDACTED] in violation of Rule 2, Rule 6, Rule 8, and Rule 9.	Exonerated
	4. Engaged in an unjustified verbal altercation with [REDACTED] in violation of Rule 2, Rule 8, and Rule 9.	Sustained
	5. Took property from [REDACTED] that was not inventoried or returned in violation of Rule 2, Rule 6, and Rule 40.	Unfounded
	6. Detained [REDACTED] on an involuntary psychiatric hold without justification in violation of Rule 2 and Rule 6.	Exonerated
	7. Provided COPA with a false statement regarding kicking or kneeling [REDACTED] in violation of Rule 14. Specifically, Officer Lott gave the following answer in response to the following question: Q: And you did not kick or knee Mr. [REDACTED] A: No	Sustained
Officer Michael Newton	1. Used excessive force while detaining [REDACTED] in violation of Rule 2, Rule 6, Rule 8, and Rule 9.	Sustained
	2. Took property from [REDACTED] that was not inventoried or returned in violation of Rule 2, Rule 6, and Rule 40.	Sustained
	3. Detained [REDACTED] on an involuntary psychiatric hold without justification in violation of	Exonerated

	Rule 2 and Rule 6.	
Officer Tasanee Durrett	1. Detained [REDACTED] on an involuntary psychiatric hold without justification in violation of Rule 2 and Rule 6.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2: prohibits, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."

Rule 6: prohibits, "Disobedience of an order or directive, whether written or oral."

Rule 8: prohibits, "Disrespect to or maltreatment of any person, while on or off duty."

Rule 9: prohibits, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

Rule 14: prohibits, "Making a false report, written or oral."

Rule 40: prohibits, "Failure to inventory and process recovered property in conformance with Department orders."

General Orders

Chicago Police Department Directive, General Order G03-02, Use of Force Guidelines²

"When a Department member engages a member of the public, the member will do so in such a manner which affords that person the respect and dignity to which all persons are entitled. The use of excessive force or unwarranted physical force or unprofessional conduct by a Department member will not be tolerated under any circumstances."

"Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury."

Chicago Police Department General Order G07-01, Processing Property under Department Control

"All property which is seized, recovered, found, or otherwise taken into custody by Department

² The Use of Force policy noted in this report was effective from October 1, 2002 until October 16, 2017. See Att. 75.

members will be inventoried as soon as it is practical to do so.”

“Such property must be returned to the arrestee at the time of release or transfer. If the property will not be returned at that time, it will be inventoried in the eTrack system.”

“Members will not solicit or accept for their personal use any property taken into custody.”

Special Orders

Chicago Police Department Directive, Special Order S04-20-02, Persons Subject to Involuntary or Voluntary Admission Non-Arrestees

“A peace officer may take a person into custody and transport him or her to a mental health facility when the peace officer has reasonable grounds to believe that the person is subject to involuntary admission and in need of immediate hospitalization to protect such person or others from physical harm.”

Federal Laws

The Fourth Amendment to the Constitution of the United States

The Fourth Amendment to the Constitution of the United States guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION³

a. Interviews

In a statement given to IPRA on November 12, 2015, the complainant, [REDACTED], related that on October 14, 2015 at approximately 6:55 PM, he observed his neighbor, [REDACTED], vehicle being towed into his apartment complex's parking lot at [REDACTED] S. South Shore Drive. [REDACTED] stated that [REDACTED] appeared to be upset so he went to talk to her and advised her to call 911, which she did. According to [REDACTED], [REDACTED] asked him to stay with her and talk to the police on her behalf. [REDACTED] stated that he agreed to do so and that Officer Tasanee Durrett arrived at approximately 8:40 PM. [REDACTED] described Officer Durrett as having an “attitude” and being “lazy.” [REDACTED] said that Officer Durrett told him to “get on” because he was not an involved party. [REDACTED] told Officer Durrett that he was a witness and [REDACTED] had asked him to be present, at which point Officer Durrett radioed for backup. [REDACTED] indicated that he then went to his apartment to get two cell phones and his camera before returning to the parking lot. According to [REDACTED], once he returned, two additional officers had arrived (identified as Officer Kevyn Lott and Officer Michael Newton) and [REDACTED] began recording on his cell phone and camera.

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

█████ stated that after he began recording, Officer Newton told █████ to, "Get that camera out of my face." █████ indicated that he was approximately 10 feet away when this occurred. According to █████ when he did not stop recording, Officer Newton approached █████ and pushed his camera, stating something to the effect of, "I told you to get the camera out of my face." █████ related that after Officer Newton pushed him back, he retreated approximately 20 – 30 feet away from the officers but eventually returned to being about 10 feet away and was still recording. █████ stated that Officer Newton approached █████ again and pushed the camera. Next, Officer Newton and Officer Lott aggressively approached Spiller and handcuffed him. █████ related that Officer Lott also kneed and kicked █████ while █████ was in handcuffs and that █████ was thrown to the ground. According to █████, Officer Lott kicked him so hard that █████ colostomy bag ruptured. █████ related that when he was handcuffed, his three electronic devices fell out of his hands and pockets. █████ reported that he was upset, "cussing and fussing," and calling the officers names such as "low down dirty scoundrel" and "bitch." █████ further related that while he was on the ground, each time he tried to roll over and sit up, Officer Lott kicked/kneed him and that this occurred approximately two times.

█████ stated that eventually a squadrol arrived (which was manned by Officer Kevin Greenwald and Officer Ruben Rojas). Officer Durrett stated that the officers were going to take █████ to a hospital for a psychological evaluation. █████ indicated that Officer Lott then picked █████ up by his coat and made a derogatory comment to █████ before placing him in the squadrol. █████ was unable to recall the content of this derogatory comment. █████ related that the officers in the squadrol drove █████ to Jackson Park Hospital and during the transportation, █████ stated that Officer Greenwald and Officer Rojas asked him if he has "any mental problems." According to █████, he replied with something to the effect of, "No, they're just trying to do this to cover their ass." Next, █████ stated that while walking into the hospital, he saw Officer Durrett and called her a, "low down, dirty bitch." █████ stated that once inside the hospital, he told the nurse his name was █████. However, when █████ was told by hospital staff that if he did not give his real name, he would lose his rights, he gave his correct information. █████ related that the hospital staff asked Officer Durrett if █████ was in custody. She responded, "No" and his handcuffs were removed. The officers left at that point and █████ saw a doctor. According to █████ he was at the hospital for approximately 40 minutes before the doctor finished an evaluation and █████ was free to leave.

█████ said that after he was discharged, he called 911 and asked to speak to a supervisor. Then, █████ began walking home. According to █████, while he was walking he saw a police car driven by a sergeant (identified as Sergeant Perez) and he waived the car down. █████ gave Sergeant Perez a statement and went home. █████ stated that after he walked home from the hospital, he went to speak with █████ because while he was in handcuffs on the ground, he saw █████ pick up his camera and two cell phones. █████ informed █████ that the officers "forcibly took the camera" from her. █████ stated that the camera was not included in his property at the hospital. Neither his two cellphones nor his camera were returned to him, all of which he lost when he was handcuffed and put on the ground by the officers. █████ further indicated that he checked the parking lot when he got back from the hospital but did not see his property. █████ stated that he called the police station the next day to inquire about his property and was told it would not be there and it would not have been inventoried since █████ had not been arrested. █████ speculated that the officers took his recording devices, "to protect their ass" because what he had recorded, "was enough to sink their ass." █████ further stated that he was

able to recover a video from cloud storage that was recorded on one of his devices. However, [REDACTED] refused to share this video at this time as it does not show him, "in a good light."⁴

On August 30, 2017, in her interview, **Officer Durrett** recalled being at [REDACTED] S. South Shore Drive and interacting with [REDACTED] on October 14, 2015. Officer Durrett related that she was called to this address regarding a traffic accident but there was a third individual (identified as [REDACTED]) who was intervening in her investigation. Officer Durrett reported that since she was working alone, she asked [REDACTED] to step back multiple times but he refused. Officer Durrett called an assist unit (identified as Officer Lott and Officer Newton) and because of [REDACTED]'s actions and statements, he was transported to Jackson Park Hospital for a psychological evaluation. Officer Durrett could not recall what [REDACTED] said but she perceived Spiller as a threat because of his refusal to comply with her request to step back and because he told her that he knew she was a woman after listening to a police scanner. According to Officer Durrett, [REDACTED] acted like he did not understand what she was saying to him. Officer Durrett recalled that [REDACTED] had recording devices in his hands but she did not have a problem with [REDACTED] filming.

Officer Durrett reported that once Officer Lott and Officer Newton arrived, they stayed with [REDACTED] while she completed her traffic accident investigation. Officer Durrett related that she did not recall hearing Officer Lott or Officer Newton asking [REDACTED] to stop recording. According to Officer Durrett, she was not directly next to the other two officers or Spiller, so she was unable to observe all of their interactions. However, Officer Durrett related that she assisted with handcuffing [REDACTED]. According to Officer Durrett, she was not aware of the events that lead to Officer Lott and Officer Newton handcuffing [REDACTED] but she observed them "scuffling" with [REDACTED] and went to assist her fellow officers. Officer Durrett could not recall if [REDACTED] was resisting arrest. Officer Durrett was not sure if Officer Lott or Officer Newton had any verbal or physical interaction with [REDACTED] aside from the three officers handcuffing Spiller. Officer Durrett related that she did not see Officer Lott kick or knee [REDACTED]. Officer Durrett reported that she was not aware of what happened to [REDACTED]'s recording devices after he was handcuffed. Officer Durrett recalled that [REDACTED] had a colostomy bag because while [REDACTED] was seated on the ground, the colostomy bag had spilled or burst. Officer Durrett believed the bag burst while [REDACTED] was being handcuffed because that was when she first noticed the colostomy bag.

Officer Durrett related that she and the assisting officers decided [REDACTED] needed a psychological evaluation. Officer Durrett reported that a squadrol transported [REDACTED] to the hospital and she signed a petition for his involuntary psychiatric evaluation. Officer Durrett believed [REDACTED] to be mentally ill and not just upset or antagonistic. Officer Durrett was unable to provide specific examples of the statements [REDACTED] made or describe what his demeanor was like, aside from saying he was belligerent in his actions and putting her in fear of her safety. Officer Durrett elaborated that she did not understand why [REDACTED] was not complying. Officer Durrett denied that she detained [REDACTED] on a psychiatric hold without justification and stated that taking [REDACTED] to Jackson Park Hospital was justified. Officer Durrett said that when [REDACTED] was taken to the hospital, he would not initially give hospital staff his real name and instead gave a "silly, obscene" name. Officer Durrett could not recall the false name that [REDACTED] gave. According to Officer Durrett, hospital staff informed [REDACTED] that he would be admitted if he did

⁴ Atts. 12, 14, 15

not give his real name, at which point [REDACTED] provided his correct information. Officer Durrett related that she was not present when [REDACTED] was discharged.⁵

On August 18, 2017, in his interview, **Officer Lott** recalled being at [REDACTED] S. South Shore Drive on October 14, 2015. Officer Lott related that he and his partner, Officer Michael Newton, were called to this location to assist Officer Tasanee Durrett. Officer Lott stated that once he and Officer Newton arrived at the scene, he exited the vehicle and approached Officer Durrett while [REDACTED] walked away. Officer Durrett told Officer Lott that [REDACTED] was interfering with her accident investigation. Officer Lott related that he did not tell [REDACTED] to stop filming and was not aware if Officer Durrett told him to stop filming.

Officer Lott related that he went to sit in his car because it was cold out when he heard a "commotion" outside the vehicle. Officer Lott stated he saw Officer Newton "tussling" with [REDACTED] at which point he exited the vehicle and both Officer Lott and Officer Durrett approached the two men. According to Officer Lott, [REDACTED] was eventually handcuffed. Officer Lott related that he put one handcuff on [REDACTED] but he was unsure which officer put [REDACTED]'s second handcuff on because there was a "tussle" involving [REDACTED] and the three officers. Officer Lott stated that he sat [REDACTED] down on his buttocks but denied that [REDACTED] was thrown to the ground.

According to Officer Lott, after [REDACTED] was handcuffed, [REDACTED] made belligerent and irate comments towards Officer Lott. Officer Lott denied that he was agitated with [REDACTED]. Officer Lott stated that he had no verbal interaction with [REDACTED], aside from telling [REDACTED] to calm down. Officer Lott did not recall any officers directing profanity at [REDACTED]. Officer Lott could not recall if he used any profanity directed towards [REDACTED] but related he may have stated something to the effect of "calm you ass down." Officer Lott also related that he asked [REDACTED] if he was okay and had taken his medications. Officer Lott stated that he had no physical interaction with [REDACTED] after putting him in handcuffs, aside from attempting to get [REDACTED] to stay still. Officer Lott denied that he kicked or kneed [REDACTED], grabbed [REDACTED] by his collar, dragged [REDACTED] or in any way handled [REDACTED] roughly. Officer Lott denied that any of the officers used force against [REDACTED]. Officer Lott stated that [REDACTED] was on the ground in handcuffs and kept scooting back onto Officer Lott's feet, so Officer Lott kept stepping back to remove his feet from under [REDACTED]'s body.

Officer Lott related that someone called for a wagon and [REDACTED] was taken to Jackson Park Hospital for a psychological evaluation. Officer Lott stated that it was decided [REDACTED] needed a psychological evaluation based on [REDACTED]'s behavior. According to Officer Lott, [REDACTED] was acting belligerent, swearing, claiming to be cousins with President Obama, and saying things like "fuck my medications," when asked if he needed medication. Officer Lott stated that [REDACTED]'s behavior was "mental" and not normal. In Officer Lott's opinion, it did not appear that [REDACTED] was just upset. Officer Lott denied seeing what happened with [REDACTED] recording devices after [REDACTED] was handcuffed. Officer Lott denied that he took anything from [REDACTED] but was not certain if Officer Newton took anything from [REDACTED]. Officer Lott claimed he did not see any injuries on [REDACTED] or see a colostomy bag on [REDACTED]. Officer Lott stated that after [REDACTED] was placed in the squadrol, he and Officer Newton went back to the police station.

⁵ Atts. 47, 48

Officer Lott was given the opportunity to view in-car camera footage obtained from Officer Durrett's police vehicle. After viewing this video, Officer Lott related that he was not agitated during his interaction with [REDACTED] and he maintained that he did not say anything derogatory or offensive to [REDACTED]. In reference to the 8:42 PM mark of this video, where Officer Lott appears to make a hand motion with his finger circling around his ear in a common gesture used to indicate someone is mentally ill. Officer Lott stated he made this motion because he wanted to signal to his partner that [REDACTED] is "mental" and Officer Lott did not think [REDACTED] would have been able to see this motion. Officer Lott further denied that he kicked or kned [REDACTED] after reviewing the video, despite several points in the video where it appeared Officer Lott was kicking or kneeling [REDACTED]. In reference to a portion of the video from 8:43 PM, in which it appeared the officer was kicking [REDACTED] Officer Lott related that [REDACTED] scooted onto the officer's foot, so Officer Lott "snatched his foot" out from under [REDACTED]. Officer Lott elaborated that he was not going to slowly remove his foot because [REDACTED] was trying to "goad" the officer. Officer Lott denied that he used any excessive force while detaining [REDACTED]. Officer Lott maintained that [REDACTED] was scooting back onto Officer Lott and the officer was moving his foot out from under [REDACTED]. Officer Lott related that he grabbed [REDACTED] by the shoulder area to control [REDACTED] and was not grabbing [REDACTED] by the collar. Officer Lott denied that he was excessive in his physical interactions with Spiller.

On November 27, 2017, Officer Lott gave COPA a second interview and he stood behind the answers and statements he made in his first statement on August 18, 2017.

On December 27, 2017, Officer Lott was given the allegation that he provided COPA a false statement on August 18, 2017. The officer provided COPA a third interview and Officer Lott stood behind his statements given on August 18, 2017.⁶

On September 12, 2017, in his interview, **Officer Newton** related that on October 14, 2015, he was partners with Officer Lott. Officer Newton recalled being at [REDACTED] S. South Shore Drive on this date and interacting with [REDACTED]. According to Officer Newton, a unit was on the scene (identified as Officer Durrett) who had requested an assist car. Officer Newton related that when he and Officer Lott arrived, Officer Durrett informed them that she was investigating a traffic accident but [REDACTED] was interfering, yelling, and had nothing to do with the accident. After speaking with Officer Durrett, Officer Newton then spoke with [REDACTED] who threatened to sue the officers and related that he did not want the officers on his property. Officer Newton stated that [REDACTED] was, "yelling and screaming and holding a camera phone up in the air." Officer Newton stated that he had no problem with [REDACTED] filming but had asked [REDACTED] to "step back" because [REDACTED] was too close to the traffic investigation. Officer Newton related that he had escorted [REDACTED] away from the scene and returned to where Officer Durrett was standing when [REDACTED] "started rushing" towards the officers. Officer Newton stated that he was giving [REDACTED] verbal commands to step back, grabbed [REDACTED]'s wrist, and tried to handcuff [REDACTED]. After viewing the in-car camera video, Officer Newton recalled that he and [REDACTED] both lost their balance and fell while the officer was trying handcuff [REDACTED]. Officer Lott approached and assisted Officer Newton in handcuffing [REDACTED]. Officer Newton stated that [REDACTED] was cursing at the officers, so Officer Newton told [REDACTED] that he was going to be placed in handcuffs and [REDACTED] resisted.

⁶ Atts. 19, 41, 42, 64, 70

Officer Newton reported that [REDACTED] was struggling, swinging his arms, and attempting to pull away from the officers.

Once [REDACTED] was in handcuffs, one of the three officers called for a transport wagon. Officer Newton did not recall [REDACTED] threatening the officers. Per Officer Newton, he was "getting agitated" with [REDACTED]. Officer Newton reported that [REDACTED] continued to yell and scream at the officers after he was handcuffed. Officer Newton indicated that when he and [REDACTED] fell to the ground, he heard [REDACTED] tell the woman he was with (believed to be [REDACTED]) to get [REDACTED]'s phone. Officer Newton denied taking any property from [REDACTED] including recording devices. Officer Newton related he did not know what happened to [REDACTED]'s recording devices. Officer Newton stated he observed no injuries on Spiller, nor did he observe a colostomy bag.

Officer Newton reported that on October 14, 2015, he believed [REDACTED] needed psychiatric care because [REDACTED] was yelling, screaming, and interfering with a police investigation. Officer Newton did not believe an arrest of [REDACTED] would have been beneficial. Officer Newton related that [REDACTED] was taken to the hospital instead of being arrested because Officer Newton was aware that Spiller has mental health problems through the officer's previous interactions with [REDACTED]. Officer Newton recalled that on previous occasions, [REDACTED] was observed running down the street, yelling at people, and taking his pants off. Officer Newton further elaborated that on one occasion, [REDACTED] was walking down the street and fighting with "gang bangers." Officer Newton stated that he was aware [REDACTED] had previously been taken to the hospital by law enforcement but Officer Newton had never personally done so prior to October 14, 2015. Officer Newton believed that Officer Lott had also previously interacted with [REDACTED] but was not certain.

Officer Newton recalled a verbal interaction between Officer Lott and [REDACTED] but did not recall that Officer Lott was upset. Officer Newton did not hear Officer Lott use profanity against [REDACTED]. Officer Newton did not observe any physical interaction between [REDACTED] and Officer Lott after [REDACTED] was handcuffed. Officer Newton did not see Officer Lott drag, kick, or knee [REDACTED] nor did he observe Officer Lott grabbing [REDACTED] by the collar. Officer Newton could not recall which officers put [REDACTED] into the transport wagon. Officer Newton heard [REDACTED] stating he was going to sue and "get" the officers while being placed in the transport wagon. Officer Newton stated that once [REDACTED] was placed in the wagon and Officers Newton and Lott determined Officer Durrett was okay, they left the scene. Officer Newton related that he and Officer Lott did not go to the hospital.⁷

On February 9, 2016, in his witness interview, [REDACTED] stated that on October 14, 2015, he was present at [REDACTED] S. South Shore Drive, performing a mechanics job and pulling a car into the parking lot. [REDACTED] related that [REDACTED] came into the parking lot and started asking [REDACTED] if he towed [REDACTED] car. [REDACTED] informed [REDACTED] that he had called the police, so [REDACTED] waited in the parking lot. [REDACTED] described [REDACTED]'s demeanor as "messed up." [REDACTED] stated that the police officer (identified as Officer Durrett) began talking to [REDACTED] and [REDACTED] when [REDACTED] retrieved a camera from his apartment and began recording the officer. [REDACTED] stated that two officers (identified as Officer Durrett and Officer Newton) told [REDACTED] to stop recording but [REDACTED] refused and was cursing and "jabbering" at the officers. According to [REDACTED], [REDACTED] told the officers he had the right to

⁷ Atts. 56, 57

record the incident. [REDACTED] related that [REDACTED] was not involved in the traffic incident with [REDACTED] and [REDACTED] but [REDACTED] was attempting to represent [REDACTED]. [REDACTED] stated that Officer Durrett asked [REDACTED] what his involvement was and [REDACTED] related that he was a witness. [REDACTED] said that [REDACTED] was holding a camera in his hand and an officer (believed to be Officer Newton) attempted to take it from [REDACTED], which [REDACTED] deflected.

[REDACTED] related that after [REDACTED] refused to comply with the officers' requests to stop recording, the officers took [REDACTED] to the ground. [REDACTED] indicated that before [REDACTED] was handcuffed, an officer knelt [REDACTED] to gain control. [REDACTED] related that once [REDACTED] was on the ground, he was moving and rolling but every time he did so, an officer (identified as Officer Lott) would sit [REDACTED] back up. [REDACTED] remained belligerent with the officers while they tried to get [REDACTED] to calm down. [REDACTED] also indicated that [REDACTED] picked up [REDACTED] telephone and camera. Officers approached her and asked where the items were, but [REDACTED] refused to give the recording devices to the officers. The officers then told [REDACTED] she would go to jail, at which point she gave them the phone and camera. [REDACTED] related that the officer who took the items from [REDACTED] was a black male with a mustache and a bald head (believed by COPA to be Officer Newton). [REDACTED] stated that [REDACTED] had threatened the officers, but [REDACTED] did not specifically hear [REDACTED] threaten to kill the officers. [REDACTED] stated he did not hear any officers cursing at or being verbally abusive towards [REDACTED]. [REDACTED] also related that he did not see any officers physically maltreat [REDACTED]. After [REDACTED] did not calm down, a squadrol was called to retrieve [REDACTED] and he was placed inside.⁸

On October 19, 2016, IPRA contacted witness [REDACTED] via telephone. [REDACTED] refused to provide her full name or date of birth. However, her first name was identified through commercial database records. [REDACTED] related that she witnessed a police officer push [REDACTED] cellphone away while [REDACTED] was recording, but she did not witness any additional physical contact between [REDACTED] and the police. [REDACTED] provided no additional details.⁹

On August 18, 2017, in his interview, witness **Officer Kevin Greenwald** related that on October 14, 2015, he was working Beat 372 in a squadrol with Officer Ruben Rojas. Officer Greenwald stated that he and Officer Rojas received a request for a squadrol at [REDACTED] S. South Shore Drive to transport [REDACTED] to Jackson Park Hospital. Officer Greenwald related that he saw two police vehicles and an officer (identified as Officer Lott) standing next to an individual who was seated on the ground (identified as [REDACTED]). Officer Greenwald described the officers already on scene as a black male with medium build (identified as Officer Lott), a bald male with a mustache and glasses (identified as Officer Newton), and black female officer with braids (identified as Officer Durrett). Officer Greenwald related that Officer Lott informed him that [REDACTED] was being irate, yelling, and interfering with the officers' investigation. Officer Greenwald was uncertain if [REDACTED] had directly threatened the officers but believed [REDACTED] had been behaving in a threatening manner towards the officers prior to Officer Greenwald's arrival. [REDACTED] was already handcuffed when Officer Greenwald arrived on scene. Officer Greenwald did not recall seeing any officers with a cell phone or camera, or seeing a cell phone or camera at all on the scene. Officer Greenwald did not recall any verbal or physical interactions between [REDACTED] and any of the officers. Officer Greenwald could not remember who put [REDACTED] into the squadrol.

⁸ Atts. 33, 34

⁹ Att. 18

According to Officer Greenwald, he briefly spoke with [REDACTED] while [REDACTED] was in the squadrol. Officer Greenwald related that during the transportation, [REDACTED] was calm and said something to the effect that he was alright, but angry at the three officers he interacted with earlier. Officer Greenwald related that he was aware [REDACTED] had a colostomy bag because he could smell it and he believed [REDACTED] mentioned that his colostomy bag had broken. Officer Greenwald did not know how the colostomy bag had been broken but thought it may have happened when [REDACTED] was taken down and handcuffed. Officer Greenwald stated that he was not aware how it was decided [REDACTED] needed a psychological evaluation. According to Officer Greenwald, he was confused because [REDACTED] was irate when Officer Greenwald and his partner first arrived but was calm once in the squadrol. Officer Greenwald elaborated that once at the hospital, [REDACTED] was giving "off the wall answers" to questions from the hospital staff, so Officer Greenwald was uncertain what [REDACTED] mental state was. According to Officer Greenwald, it can be difficult to tell the difference between an individual who is upset and one who is in need of psychiatric help, and Officer Greenwald could not tell which category [REDACTED] fell into. Officer Greenwald stated that once at the hospital, [REDACTED] was admitted and Officer Greenwald and his partner were free to live. Officer Greenwald stated Officer Durrett was also at the hospital but he was uncertain as to when she left.¹⁰

On September 13, 2017, in his interview, witness **Officer Ruben Rojas** stated that on October 14, 2015, he was working in a transport wagon and partnered with Officer Greenwald. Officer Rojas recalled being at [REDACTED] S. South Shore Drive on this date and vaguely recalled [REDACTED]. Officer Rojas related that he and his partner were assigned to transport [REDACTED] through the Office of Emergency Management Communications (OEMC). Officer Rojas related that [REDACTED] was in handcuffs when he and Officer Greenwald arrived. [REDACTED] was placed in their transport wagon and was taken to Jackson Park Hospital. Officer Rojas did not know why [REDACTED] was being transported. According to Officer Rojas, he and his partner had no problem with [REDACTED]. Officer Rojas did not recall [REDACTED] being upset, nor did he recall any officers on scene being upset. Officer Rojas denied observing any physical or verbal interactions between [REDACTED] and the other officers. Per Officer Rojas, [REDACTED] was talking to Officer Greenwald during the transportation, but Officer Rojas did not recall the content of that conversation. Officer Rojas recalled that [REDACTED] mentioned his colostomy bag to Officer Greenwald, but Officer Rojas did not remember exactly what [REDACTED] said about it. Officer Rojas stated that, in his opinion, [REDACTED] was "fine" while Officer Rojas and his partner were with [REDACTED].¹¹

b. Digital Evidence


In-car camera footage was obtained from Officer Durrett's police vehicle that included [REDACTED]'s interaction with the police on October 14, 2015 and [REDACTED]'s subsequent transportation to Jackson Park Hospital. Noteworthy details from this video and their approximate times of occurrence are listed below.¹²

Time	Description of Events
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¹⁰ Att. 39

¹¹ Att. 62

¹² Att. 19

8:29 PM	Officer Durrett's vehicle pulls into the parking lot known to be located at [REDACTED] S. South Shore Drive.
8:35 PM	A second police car, known to be occupied by Officer Lott and Officer Newton, is seen parking.
8:35 PM	<p>[REDACTED] is seen with his hands raised above his head and each hand appears to be holding objects believed to be his recording devices.</p> <p><i>(See photo below.)</i></p> 
8:36 PM	[REDACTED] is seen walking backwards, then returning forward and out of view.
8:36 PM	[REDACTED] is seen walking backwards with his recording devices still in hand and with Officer Newton walking forward towards [REDACTED]

(See photo below.)




8:36 PM

Officer Newton is seen grabbing [REDACTED]'s hands and pulling them down towards [REDACTED]'s waist.

(See photo below.)



8:36 PM	<p>Officer Lott is seen exiting the police vehicle and walking towards [REDACTED] and Officer Newton. Officer Durrett is also seen walking towards [REDACTED] and Officer Newton at approximately the same time. [REDACTED] has his hands in the air and is walking backwards away from the officers.</p>
8:36 PM	<p>While [REDACTED] hands are still in the air, Officer Lott grabs [REDACTED] s right arm and pulls it behind [REDACTED] s body.</p> <p><i>(See photo below.)</i></p> <p>Shortly after Officer Lott grabs [REDACTED] s arm, [REDACTED] is seen struggling with the three officers who are attempting to handcuff [REDACTED]</p>  <p>OCT 14 2015 08:36:54PM</p>
8:37 PM	<p>[REDACTED] is seen falling onto the ground while Officer Lott has his right arm and Officer Newton is holding onto [REDACTED] s left arm. Officer Durrett is seen behind [REDACTED]</p> <p><i>(See photo below.)</i></p>






8:37 PM



A woman believed to be [REDACTED] is seen bending down next to the officers and [REDACTED] to pick something up off the ground.



(See photo below.)





8:37 PM	It appears [REDACTED] is handcuffed in front of his body.
8:39 PM	<p>The woman believed to be [REDACTED] is seen bending down a second time and picking something up off the ground while [REDACTED] turns his head and looks at her. Officer Lott is standing above [REDACTED]. Shortly after, the woman is seen putting an item that appears to be a cellphone in her coat pocket.</p> <p><i>(See photos below.)</i></p> <div data-bbox="451 678 1214 1220"></div> <div data-bbox="446 1245 1177 1787"></div>

8:39 PM	<p>██████████ and Officer Lott appear to be talking and Officer Lott appears to be agitated.</p>
8:39 PM	<p>Officer Lott reaches down and grabs ██████████. However, ██████████ is out of view at this point.</p> <p><i>(See photo below.)</i></p> 
8:40 PM	<p>Officer Lott makes a motion where he pulls his right foot back and returns it in front of his body in a kicking motion. ██████████ cannot be seen on camera at this point but he is believed to be seated on the ground in front of Officer Lott.</p>
8:42 PM	<p>Officer Lott makes a circular motion with his finger around his ear in a common gesture used to indicate someone is crazy/mentally ill. Officer Lott is laughing and talking to someone off camera.</p>
8:43 PM	<p>Officer Lott is seen making a kicking motion towards ██████████'s body. Shortly before this occurs, ██████████'s head can be seen in the photo and does not appear</p>

	<p>to move towards Officer Lott before this kicking motion.</p> <p><i>(See photo below.)</i></p> 
8:43 PM	<p>Officer Lott appears to bend down and pick [redacted] up by his collar and/or shoulder area and put [redacted] into a seated position.</p>
8:43 PM	<p>Officer Lott appears to drag [redacted] slightly by the collar.</p> <p><i>(See photo below.)</i></p> 

8:44 PM	<p>Officer Lott appears to make a jerking motion in which he lifted [REDACTED] by the collar and brought him back down.</p> <p><i>(See photo below.)</i></p> 
8:45 PM	<p>Officer Lott is seen looking down towards [REDACTED] and making hand and facial gestures that suggest Officer Lott was agitated.</p> <p><i>(See photo below.)</i></p> <p>Officer Lott appears to be engaged in conversation with [REDACTED], in which Officer Lott appears upset or frustrated with [REDACTED]. This occurs off and on over the next approximately five minutes.</p> 

8:50 PM	<p>Officer Greenwald is seen on camera and Officer Lott bends down towards [REDACTED]. Both officers pick [REDACTED] off the ground and Officer Lott appears to have [REDACTED] by the collar.</p> <p><i>(See photo below.)</i></p> 
8:50 PM	<p>Officer Lott and Officer Greenwald walk [REDACTED] out of view.</p>
9:00 PM	<p>Officer Lott walks towards the area where [REDACTED] was originally detained and picks something up off the ground.</p> <p><i>(See photo below.)</i></p> <p>It appears this item was a flashlight because of how the officer held it and because Officer Lott is seen touching the object while a light emanates from the object onto the ground below. Officer Lott then enters the driver's side of his police vehicle.</p>

	
9:11 PM	The vehicle manned by Officer Lott and Officer Newton drives out of view.
9:12 PM	Officer Durrett's vehicle starts driving out of the parking lot behind the squadrol occupied by Officer Greenwald and Officer Rojas. Both vehicles drive down the street with Officer Durrett's vehicle behind the squadrol until they arrive at Jackson Park Hospital.
9:17 PM	The two police vehicles arrive outside Jackson Park Hospital and park near what appears to be the Emergency Room entrance.
9:20 PM	Officer Durrett and one of the squadrol officers are seen walking with [REDACTED] into the hospital entrance, shortly followed by the second squadrol officer. It is unclear from the quality of the video which male officer is which.
9:51 PM	The three officers exit the hospital without [REDACTED] and are seen briefly talking outside before Officer Durrett enters her vehicle and drives away.

c. Physical Evidence

██████████ was admitted to **Jackson Park Hospital** at 9:46 PM for an involuntary in-patient admission with an admitting complaint of "Bizarre/Paranoid behavior." Officer Durrett signed the petition to have ██████████ placed on an involuntary psychiatric evaluation because ██████████ had approached Officer Durrett, refused to back away when asked, attempted to hit an officer, and stated he would kill the officers. Officer Lott and Officer Newton were provided as witnesses. Documents stated that ██████████ was escorted to the hospital by the police because he was physically and verbally "aggressive with police officers." Documents also stated that ██████████ threatened to kill the police officers. ██████████ related to hospital staff that he was assisting a neighbor regarding a car accident because the neighbor speaks limited English. A police officer told ██████████ to stop filming and they got into a verbal altercation when ██████████ refused. Officer Durrett then called for assistance and the assisting officers shoved ██████████ when they arrived, so ██████████ threatened to kill them. According to ██████████ after he refused to stop recording, the officers handcuffed and pushed him to the ground. ██████████ also related that the officers yelled and cursed at him, so ██████████ responded by yelling and cursing. ██████████ told the hospital staff that he had no homicidal ideation but he was angry. ██████████ denied previous psychiatric history. Available documents confirmed that ██████████ has Crohn's disease and a colostomy bag on the right side of his abdomen. ██████████ received a final diagnosis of an unspecified mood disorder and was told to "follow up [...] for anger management." ██████████ was discharged on October 14, 2015 at 11:20 PM.¹³

d. Documentary Evidence

Chicago Police Department **Event Query Reports** were obtained regarding ██████████'s police interaction on October 14, 2015. ██████████ called the police at approximately 7:09 PM on October 14, 2015 regarding a car accident ██████████ was involved in. ██████████ led at approximately 7:34 PM and at 8:25 PM seeking an update. ██████████ the tow truck driver involved in the accident with ██████████ called for an update at 7:18 PM, 7:53 PM, and 8:38 PM. Beat 0331 (identified as Officer Durrett) arrived on the scene at approximately 8:40 PM. On October 15, 2015 at approximately 3:00 PM, ██████████ called the police wanting to speak to a supervisor and claiming he was physically abused by officers including kicks to the stomach and groin. Available details related that on October 15, 2015, Evidence Technicians attempted to reach ██████████ and document his injuries but were unable to reach him via telephone.¹⁴

Office of Emergency Management and Communications (OEMC) **Event Query Reports** were located regarding the events related to this report. Available documents related that ██████████ called 911 on October 15, 2015 at approximately 12:18 PM, wanting to speak to a supervisor regarding police abuse and stating that he would consistently call until a sergeant arrived.¹⁵

No Tactical Response Reports (TRR) were generated by Officer Durrett, Officer Lott, or Officer Newton regarding their interactions with ██████████ on October 14, 2015.¹⁶

¹³ Att. 31

¹⁴ Att. 22, 54

¹⁵ Att. 21

¹⁶ Att. 30

VI. ANALYSIS

Officer Kevyn Lott

COPA recommends a finding that **allegation #1**, that Officer Kevyn Lott used excessive force by striking [REDACTED], be **Sustained**.

COPA recommends a finding that **allegation #2**, that Officer Kevyn Lott used excessive force by dragging [REDACTED], be **Sustained**.

COPA recommends a finding that **allegation #3**, that Officer Kevyn Lott used excessive force while detaining [REDACTED], be **Exonerated**.

In the instant case, [REDACTED] complained of (and the CPD in-car video depicts) multiple uses of force by the officers. Specifically, the video shows the officers take down and cuff [REDACTED]. Officer Lott appears to knee or kick [REDACTED] back and drag [REDACTED] by the shirt collar. Each incident must be analyzed separately. The level of an officer's force used as a response to a subject must be appropriate based on the subject's level of aggression. The directives of the Chicago Police define a subject's level of aggression in several categories ranging from cooperative subject, to a passive and active resister, and finally an assailant. The first step in the analysis is determining the subject's level of aggression and then determining whether the force used was appropriate.

[REDACTED] alleged he was kicked while cuffed and on the ground. [REDACTED] claimed that Officer Lott kicked him so hard his colostomy bag ruptured. Statements from multiple sources, including the transport officers, hospital staff, and [REDACTED] report that [REDACTED]'s colostomy bag broke during the struggle. However, the evidence indicates that it more likely ruptured during the initial take down of [REDACTED]. Officer Lott contends he never kicked or kneed [REDACTED]. Officer Lott claims that [REDACTED] was scooting back onto Officer Lott's feet while seated on his buttocks with his hands cuffed in front, as the officer stood behind [REDACTED]. According to Officer Lott, the video footage that appears to show the officer kicking [REDACTED] actually depicted Officer Lott stepping back to remove his feet from under [REDACTED]'s body. COPA does not agree. The video clearly shows Officer Lott kick [REDACTED] in the back forcefully while [REDACTED] is sitting on the ground and cuffed on at least one occasion, at approximately 8:43 in the video. The video shows Officer Lott's leg first moving toward [REDACTED]'s body, not moving backward from [REDACTED]'s body, as it would have if Officer Lott were pulling his foot out from under [REDACTED]. In addition, [REDACTED]'s head can be seen during this portion of the video, and his head does not appear to move upward or closer to Officer Lott as one would expect if [REDACTED] were scooting onto Officer Lott's foot. Prior to this force, Officer Lott can be seen appearing agitated, and he and [REDACTED] can be seen exchanging words throughout the video. We also note that in the moments leading up to Officer Lott's movement of his foot toward [REDACTED], [REDACTED] is not seen moving closer to Officer Lott. Rather, Officer Lott can be seen moving closer to [REDACTED]. Clemmons also denied that [REDACTED] was "go in" at any of the officers' feet or anything. Finally, COPA's interpretation of Officer Lott's movement as a kick is consistent with [REDACTED]'s statement that Officer Lott "kicked [him] about twice with his knee" while [REDACTED] was on the ground, trying to sit up.

Officer Lott's kick was unjustified. At the time, [REDACTED] was cuffed on the ground and seated on his buttocks. [REDACTED] was seated and although he did move around at certain times, it is

not clear that he was trying to avoid physical control or that he was making any attempt to escape. Accordingly, COPA doubts whether [REDACTED] could be considered an active resister.¹⁷ However, even if [REDACTED] was an active resister, kicking is not a response option when dealing with an active resister. Therefore, Officer Lott's actions violated policy and **allegation #1 is Sustained.**

Additionally, the in-car video depicts Officer Lott dragging [REDACTED] by his shirt collar while handcuffed. When confronted with the video, Officer Lott claimed that he never grabbed [REDACTED] by the collar. Rather, Officer Lott reported that he grabbed [REDACTED] by the shoulder area to control [REDACTED]. The video clearly depicts Officer Lott move [REDACTED] by grabbing his collar and dragging [REDACTED]. As argued above, according to CPD policy on the use of force, COPA finds that [REDACTED] was a cooperative subject, handcuffed, and seated on the ground. Officer Lott, out of apparent frustration, dragged [REDACTED] by the collar and at one point picked [REDACTED] up by his collar. Just before Officer Lott grabbed [REDACTED] near the collar, [REDACTED] laid down in front of the car. Officer Lott grabbed his jacket or shirt collar in response, in an apparent effort to sit [REDACTED] back up, yet Officer Lott kneed [REDACTED] in the ensuing scuffle. Even if Officer Lott believed [REDACTED] was an "active resister" at that point, his use of force was not permissible. The use-of-force policy allows for "holding techniques" against active resisters. Examples of holding techniques are "a firm grip, grabbing an arm, wristlocks, and come-along holds." But grabbing a subject by the shirt is not a holding technique outlined in the order. Regardless, Officer Lott's use of force was clearly punitive rather than necessary to gain [REDACTED]'s compliance. As such, **allegation #2 is Sustained.**

We turn to the next allegation, that Officer Lott used excessive force while detaining [REDACTED]. In referring to whether Officer Lott used excessive force while detaining [REDACTED] COPA is referring only to Officer Lott's initial detention of [REDACTED] and not the force Officer Lott used that was addressed in allegations 1 and 2.

The initial physical contact between CPD and [REDACTED] was when Officers Newton, Lott, and Durrett collectively took [REDACTED] to the ground and handcuffed him. The video depicts [REDACTED] backing up with his hands in the air. [REDACTED] possessed what appeared to be a camera and phone in each hand as Officer Newton alone rushed toward [REDACTED]. Officer Newton grabbed [REDACTED] wrists and jarred the items from [REDACTED]'s hands at the same approximate time Officers Lott and Durrett stepped in to assist. [REDACTED] appears to resist the cuffing to some degree until he is overpowered by all three officers. [REDACTED] resistance is further evidenced by the officers cuffing [REDACTED] in front of his body, which is used in emergency situations. At the point Officer Lott engages with [REDACTED] Officer Newton has already gone hands on and [REDACTED] has begun to resist.

As specified in CPD General Order G03-02-02 IV B, a person is a passive resister if they fail to comply to verbal commands. An active resister is when a person attempts to create distance between themselves and the Department member's reach. A person who gestures with evasive movements of the arm is considered an active resister. Officer Newton ordered [REDACTED] to back away. When he went hands on with [REDACTED], [REDACTED] appeared to be compliant, backing away with his hands up.¹⁸ By the time Officer Lott engaged, [REDACTED] moved from being a passive

¹⁷ See General Order 03-02-02 (an active resister is defined as "a person whose actions attempt to create distance between that person and the member's reach with the intent to avoid physical control and/or defeat the arrest").

¹⁸ Officer Newton's liability will be discussed later in this report.

resister to an active resister, which allowed officers to use wrist locks, pain compliance, including stunning techniques such as open hand slaps. Officer Lott jumped in to help his partner cuff [REDACTED] while [REDACTED] began to resist. The video shows Officer Lott grab [REDACTED] by his wrists, pin him against the squad, and eventually help take [REDACTED] to the ground. At the point Officer Lott engaged, his use of force was reasonable and within the limits of the general order to gain compliance of [REDACTED] and get him handcuffed. It is irrelevant to the analysis of Officer Lott's use of force that Officer Newton may not have been justified when he went hands on. Therefore, **allegation #3 is Exonerated.**

COPA recommends that **allegation #4**, that Officer Kevyn Lott engaged in an unjustified verbal altercation with [REDACTED], be **Sustained.**

[REDACTED] indicated that when Officer Lott picked [REDACTED] up by his coat, the officer made a derogatory comment before placing [REDACTED] into the squadrol. [REDACTED] was unable to recall the content of this derogatory comment. Officer Lott denied that he was agitated with [REDACTED] despite his appearance on the video. Officer Lott further denied engaging in a verbal altercation with [REDACTED] but related he stated something to the effect of "calm your ass down." Based on Officer Lott's admission, he clearly violated department rules by directing profanities at [REDACTED]

COPA recommends a finding that **allegation #5**, that Officer Kevyn Lott took property from Craig Spiller that was not inventoried or returned, be **Unfounded.**

Officer Lott denied seeing what happened with [REDACTED]'s recording devices after [REDACTED] was handcuffed. Officer Lott denied that he took anything from [REDACTED] but was not certain if Officer Newton may have done so. The majority of the time Officer Lott was on scene, he was visible in the in-car camera footage, thereby giving the officer a narrow window in which he could have taken property from [REDACTED]. Additionally, a witness, [REDACTED], stated that an officer matching Officer Newton's description took property from the woman believed to be Sikiratou.

COPA recommends a finding of **Exonerated** that:

- Officer Kevyn Lott (**allegation #6**), Officer Michael Newton (**allegation #3**), or Officer Tasanee Durrett (**allegation #1**) detained [REDACTED] on an involuntary psychiatric hold without justification.

Per the accused officers, a witness, and [REDACTED] himself [REDACTED] was irate with the officers, used profane language, and was acting disrespectfully. Per Officer Durrett, she was working alone and asked [REDACTED] to step back multiple times but he refused. Officer Durrett alleged that because of [REDACTED] actions and statements, he was transported to Jackson Park Hospital for a psychological evaluation. Officer Durrett could not recall what [REDACTED] said, but she perceived [REDACTED] as a threat because of his refusal to comply and because he told her that he knew she was a female officer after listening to a police scanner. According to Officer Durrett, [REDACTED] acted like he did not understand what she was saying to him. Officer Durrett believed [REDACTED] to be mentally ill and not just upset or antagonistic. However, Officer Durrett was unable to provide specific examples of the statements [REDACTED] made or describe in detail what his demeanor was like, aside from saying he was belligerent in his actions and putting her in fear of her safety. Officer Durrett elaborated that she did not understand why [REDACTED] was not complying. Officer

Durrett related that she and the assisting officers decided [REDACTED] needed a psychological evaluation.

According to Officer Lott, [REDACTED] was acting belligerent, swearing, claiming to be cousins with President Obama, and saying things like "fuck my medications." Officer Lott stated that [REDACTED]'s behavior was "mental" and not normal. In Officer Lott's opinion, it did not appear that [REDACTED] was just upset. A witness, [REDACTED], described [REDACTED]'s demeanor as "messed up." Officer Newton related that his previous experience with [REDACTED] had informed the officer that [REDACTED] has mental health issues. However, Officer Newton too was unable to fully articulate why, in this situation, [REDACTED] appeared to be mentally unstable, especially since Officer Newton did not recall [REDACTED] threatening the officers on October 14, 2015. According to Officer Greenwald, he was confused because [REDACTED] was irate when Officer Greenwald and his partner first arrived, but was calm once in the squadrol. Officer Greenwald elaborated that once at the hospital, [REDACTED] was giving "off the wall answers" to questions from the hospital staff. Furthermore, [REDACTED] acknowledged his odd behavior and reported that he acted in such a manner out of anger.

While there are concerns regarding the officers' inability to articulate why [REDACTED] needed mental health care in this specific instance, officers are given discretion regarding a decision to arrest or transport an individual to the hospital. COPA believes that it was reasonable in this situation to air on the side of caution and bring [REDACTED] to the hospital for a mental health evaluation. The officers are not medical professionals and [REDACTED] was displaying bizarre behavior. It ultimately appears, based on hospital records, that [REDACTED] was expressing anger. However, the officers could not have known what was causing [REDACTED]'s inappropriate outbursts and demeanor. [REDACTED] was behaving in an obnoxious and unpleasant manner. The officers chose to let the mental health professional determine if [REDACTED] was in need of psychiatric care, which was the wise thing to do. Per medical records, [REDACTED] told the hospital staff that he had no homicidal ideation but was angry. [REDACTED] denied previous psychiatric history. [REDACTED] received a final diagnosis of mood disorder not otherwise specified and was told to "follow up [...] for anger management." Based on available evidence, it does appear [REDACTED] has anger issues and/or handled his anger in an inappropriate manner in this specific situation. While it does not appear that [REDACTED] was experiencing a mental health emergency, it was best that the officers let hospital staff determine such as a safety precaution.

COPA recommends a finding of **Sustained** for **allegation #7**, that Officer Kevyn Lott provided COPA a false statement on August 18, 2017.

Chicago Police Rule 14 prohibits the falsification of any report, written or oral. The relevant sections of the Collective Bargaining Agreement (hereinafter CBA), 6.1 M., state that a Rule 14 violation will be charged when "the Officer willfully made a false statement; and (2) the false statement was made about a fact that was material to the incident under investigation." Accordingly, to constitute a Rule 14 violation, an officer's false statement must be willful and must be about a fact that was material to the incident under investigation.

The in-car camera footage shows Officer Lott kicking [REDACTED] at approximately the 8:43 timestamp. While Officer Lott provided a consistent version of events both before and after

viewing video of himself and [REDACTED] from October 14, 2015, his version of events is not believable. Officer Lott claimed that he pulled his foot away after [REDACTED] scooted on top of it. However, the video does not depict Officer Lott's leg first moving backward from [REDACTED]'s body; instead, it shows Officer Lott's leg first moving forward toward [REDACTED]'s body, in a kicking motion. In addition, [REDACTED]'s head can be seen during this portion of the video, and his head does not appear to move upward or closer to Officer Lott as one would expect if [REDACTED] were scooting onto Officer Lott's foot. In this regard, we note that in the moments leading up to Officer Lott's movement of his foot toward [REDACTED], [REDACTED] is not seen moving closer to Officer Lott. Rather, Officer Lott can be seen moving closer to [REDACTED]. In addition, when [REDACTED] was asked whether [REDACTED] was "goin' at any of the officers[]" feet or anything," [REDACTED] responded, "No." Finally, COPA's interpretation of Officer Lott's movement as a kick is consistent with [REDACTED]'s statement to COPA that Officer Lott "kicked [him] about twice with his knee" while [REDACTED] was on the ground, trying to sit up. In sum, the video of Officer Lott with [REDACTED] indicates that Officer Lott was upset and reacting to [REDACTED]'s inappropriate behavior of moving around and making derogatory comments to the officers in kind.

Based on all of the foregoing, COPA finds that a preponderance of the evidence establishes Officer Lott kicked [REDACTED] and that, therefore, Officer Lott made a false statement when he said he did not kick [REDACTED].

COPA further finds that Officer Lott's false statement went directly to the heart of the allegations against him, *i.e.*, that he struck [REDACTED]. Accordingly, the false statement was about a fact that was material to the incident under investigation. Further, a preponderance of the evidence establishes that Officer Lott's statement was willful. Officer Lott was shown the in-car camera video and given multiple opportunities to explain the kick, but he continued to claim that he only pulled his foot away from [REDACTED] and did not kick [REDACTED]. Even if Officer Lott did not initially recall kicking [REDACTED], viewing the in-camera footage would have refreshed Officer Lott's recollection such that he would have been able to recall kicking [REDACTED]. Accordingly, we find that Officer Lott willfully made a false statement about a material fact and thus violated Rule 14.

Therefore, **allegation #7** against Officer Lott is **Sustained**.

COPA recommends a finding for **allegation #1**, that Officer Michael Newton used excessive force while detaining [REDACTED] be **Sustained**.

COPA recommends a finding that **allegation #2**, that Officer Michael Newton took property from [REDACTED] that was not inventoried or returned, be **Sustained**.

Officer Newton and [REDACTED] both acknowledged that there was a struggle of some sort between the two men. Officer Newton alleged that [REDACTED] "rushed towards him." However, [REDACTED] alleged that Officer Newton aggressively approached [REDACTED] and pushed [REDACTED]'s camera. A witness, [REDACTED], reported that Officers Durrett and Newton told [REDACTED] to stop recording, but [REDACTED] refused and was cursing at the officers. [REDACTED] related that after [REDACTED] refused to comply with the officers' requests to stop recording, the officers took [REDACTED] to the ground. [REDACTED]'s version of events more closely resembles [REDACTED]'s version. As [REDACTED]

was largely critical of Spiller in his IPRA statement, it seems unlikely [REDACTED] was being biased towards [REDACTED]. Rather, COPA believes [REDACTED] truthfully related what he observed. In the in-car camera footage from Officer Durrett's CPD vehicle, [REDACTED] is seen with his hands raised above his head and each hand appears to be holding objects believed to be his recording devices. [REDACTED] is then seen walking backwards, followed by Officer Newton walking towards [REDACTED]. Officer Newton is then seen grabbing [REDACTED]'s hands and pulling them down towards [REDACTED]'s waist.

When Officer Newton approached [REDACTED], and grabbed [REDACTED]'s arms/hands, [REDACTED] was retreating and had his hands in the air. After three officers engaged [REDACTED] physically, [REDACTED] was taken to the ground and eventually handcuffed. As stated above, G03-02-02 asserts that the level of force used by an officer in response to a subject must be appropriate based on the subject's level of aggression. It does not appear that [REDACTED] was initially an assailant or a resister. In fact, it appears [REDACTED] would be defined as a compliant subject given that Officer Newton said he had directed [REDACTED] to back away and [REDACTED] is seen doing so in the video footage. It is unclear why Officer Newton would approach and grab [REDACTED] when [REDACTED] was doing as the officer instructed. [REDACTED] had a right to be on the property and further, had a right to record the officers. Per Officer Newton, he was "getting agitated" with [REDACTED]. It is possible that due to this agitation, Officer Newton used force to get [REDACTED] to stop annoying the officers. However, as with Officer Lott, force is not an acceptable outlet simply because an officer is annoyed and dislikes an individual's behavior. In sum, Officer Newton engaged [REDACTED] physically, grabbing [REDACTED]'s wrists and forcefully shaking the recording devices from his hands. The level of force used was not in compliance with allowable force based on the general order.

[REDACTED] related that when he was handcuffed, his three electronic devices fell out of his hands and pockets. [REDACTED] stated that after he walked home from the hospital, he went to retrieve his devices from [REDACTED] who informed [REDACTED] that the officers "forcibly took the camera" from her. Unfortunately, [REDACTED] refused to participate in the COPA/IPRA investigation and COPA was unable to question her regarding [REDACTED]'s property. Officer Newton denied taking any property, including recording devices, from [REDACTED]. Officer Newton related he did not know what happened to [REDACTED]'s recording devices. A woman believed to be [REDACTED] is seen on in-car camera footage two times, bending down to pick something up off the ground believed to be [REDACTED]'s recording devices. [REDACTED] also indicated that [REDACTED] picked up [REDACTED]'s telephone and camera. According to [REDACTED], officers approached [REDACTED] and asked where the items were, but [REDACTED] refused to give them to the officers. [REDACTED] further related that the officers told [REDACTED] she would go to jail, at which point she gave the officers the phone and camera. [REDACTED] related that the officer who took the items from [REDACTED] was a black male with a mustache and a bald head. Officer Newton is the only responding officer who matches that description. In sum, the video evidence and witness statements support [REDACTED]'s claim; therefore **allegation #2 is Sustained**.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
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Officer Kevyn Lott	<p>1. Used excessive force against [REDACTED] by striking him, in violation of Rule 2, Rule 6, Rule 8, and Rule 9.</p> <p>2. Used excessive force against [REDACTED] by dragging him, in violation of Rule 2, Rule 6, Rule 8, and Rule 9.</p> <p>3. Used excessive force while detaining [REDACTED] in violation of Rule 2, Rule 6, Rule 8, and Rule 9.</p> <p>4. Engaged in an unjustified verbal altercation with [REDACTED] in violation of Rule 2, Rule 8, and Rule 9.</p> <p>5. Took property from [REDACTED] that was not inventoried or returned in violation of Rule 2, Rule 6, and Rule 40.</p> <p>6. Detained [REDACTED] on an involuntary psychiatric hold without justification in violation of Rule 2 and Rule 6.</p> <p>7. Provided COPA with a false statement regarding kicking or kneeing [REDACTED] in violation of Rule 14.</p> <p>Specifically, Officer Lott gave the following answer in response to the following question:</p> <p>Q: And you did not kick or knee Mr. [REDACTED]</p> <p>A: No</p>	<p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> <p>Sustained</p> <p>Unfounded</p> <p>Exonerated</p> <p>Sustained</p>
Officer Michael Newton	<p>1. Used excessive force while detaining [REDACTED] in violation of Rule 2, Rule 6, Rule 8, and Rule 9.</p> <p>2. Took property from [REDACTED] that was not inventoried or returned in violation of Rule 2, Rule 6, and Rule 40.</p> <p>3. Detained [REDACTED] on an involuntary psychiatric hold without justification in violation of Rule 2 and Rule 6.</p>	<p>Sustained</p> <p>Sustained</p>

Officer Tasanee Durrett	1. Detained [REDACTED] on an involuntary psychiatric hold without justification in violation of Rule 2 and Rule 6	Exonerated
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App

And

Deputy Chief Administrator – Chief Investigator

Date

4/20/18

Appendix A

Assigned Investigative Staff

Squad# 4	
Investigator:	Kelsey Fitzpatrick
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten